# CONCEPT OF ILLICIT ENRICHMENT APPLICATION COMPARISON BETWEEN INDONESIA AND AUSTRALIA

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**Abstract**

This study aims to compare the application of illicit enrichment regulations and concepts between Australia and Indonesia and their implications in reducing corruption cases in both countries. The research method used is normative legal research with a Statute Approach, Conceptual Approach, and Comparative Approach. The legal materials used include primary legal materials, namely laws and regulations relevant to the issues under study. In addition, secondary legal materials consist of textbooks discussing various legal issues, scientific journals, works from legal circles, and research results. Tertiary legal materials are used as supplements, namely through the Internet. The data collection method used is library research. The results of the study show that illicit enrichment will be a breakthrough in the anti-corruption system in Indonesia. Although Indonesia has ratified the UNCAC, this ratification does not accommodate the concept of illicit enrichment. so that implementing illicit enrichment can be a good step, reflecting on Australia's success in indicating corruption earlier by looking at the increase and/or imbalance between the wealth of state officials and their legitimate income. In its implications, the Anti-Corruption Law can be the right legal framework for injecting the concept of illicit enrichment.

**Keywords:** LHKPN; *Illicit enrichment*; UNCAC

## INTRODUCTION

Corruption is defined by the World Bank as the abuse of public power for personal gain. This definition has become the international basis for defining corruption, including in Indonesia (Kenneth, 2024). In Indonesia, the abuse of power for personal gain has become a major and never-ending problem. In recent decades, corruption has become an important issue that continues to be raised at various levels, from national to international. Corruption is a crime that has a tremendous impact, not only in terms of losses to the state, but also in terms of its effect on the social and economic structures of society, touching various layers and areas of life. This crime jeopardizes social, political, and economic development, as well as the stability and security of society (Hartanti, 2023). Various initiatives have been taken from the regional to the international level as a manifestation that combating corruption can be done, although it must be done gradually with results that are not always visible, but emphasizing progress through various effective measures and continuous efforts. This is in line with Satjipto Rahardjo's theory of progressive law, which emphasizes the concept that law must be responsive to various changes and developments, not just remaining in the status quo, but continuously striving to achieve truth through various changes, emphasizing the ability of legal actors to creatively apply the law in accordance with existing changes (Laili & Fadhila, 2021). Thus, the government and state institutions must strive to create order in the life of the state (Rachmawati, 2022).

Corruption is a serious problem in Indonesia, and there is no clear solution on how to combat it. Corruption is considered an extraordinary crime for a reason, given the enormous domino effect it has, greatly affecting the country's economic sector as well as its social, state, and community life. This is reinforced by the Law Number 30 of 2002 concerning the Corruption Eradication Commission, hereinafter referred to as Law 30/2002, which includes corruption as an extraordinary crime. This was also mentioned by Abdullah Hehamahua, an advisor to the KPK during the 2005-2013 period, who stated that corruption has a very broad and destructive impact, requiring a strong eradication organization and legislation to close the loopholes. Given that this crime is committed systematically and has a significant domino effect and is part of multidimensional crimes against the economy, society, and culture, corruption is considered *an* extraordinary crime (Al Faridzi & Nachrawi, 2022). This is further reinforced by the view of Klitgaard, an American academic, who asserts that efforts to eradicate corruption must begin with building a system framework that is capable of limiting the monopoly of power, clarifying the distribution of authority among state administrators, increasing transparency, increasing the likelihood of uncovering acts of corruption, and imposing heavier sanctions on perpetrators (Ajie, 2015). Given that the potential for corruptors to be caught is very low, opening up opportunities for them to carry out their actions smoothly, people will not hesitate to do the same. Therefore, a strong commitment and significant steps are needed to reduce corruption cases in Indonesia.

Corruption models continue to evolve with the times, requiring law enforcement agencies and legal systems to keep pace with changes and exploit small loopholes that continue to open up, including in Indonesia, so that various measures and commitments continue to be echoed (Riani & Jumadi, 2023). The Attorney General's Office, together with the Corruption Eradication Commission (KPK) and the police, as part of the system to eradicate crime in Indonesia to its roots, holds an important commitment in the process (Yurizal, 2017). Although Indonesia's commitment to tackling corruption is not reflected in the Corruption Perceptions Index report compiled by the international non-governmental organization Transparency International, which is consistently committed to fighting the injustices that arise from corrupt practices. One of their annual publications is the Corruption Perceptions Index (CPI) survey. In 2024, Indonesia's CPI score was only 37 on a scale of 0 to 100, ranking 99th out of 180 countries. This unsatisfactory result certainly requires Indonesia to evaluate the policy measures that need to be taken in order to achieve satisfactory results in reducing corruption in Indonesia. In the last five years of reform, the steps taken have not been effective in eradicating corruption, falling far short of expectations. Reform has an important agenda of eradicating corruption, collusion, and nepotism, which is an indicator of a democratic government and a strong determination to fight corruption (Hartanti, 2023). This is further exacerbated when we see that Indonesia's CPI in 2024 is below that of its neighbors in the ASEAN region. For example, Malaysia is ranked 57th, Singapore is ranked 3rd, and Vietnam is ranked 88th. Indonesia's poor results certainly show that it is lagging behind its neighbors in the Southeast Asian region, which have seen improvements and positive results. Therefore, various efforts and commitments from the government continue to be made to combat corruption through various legal measures, such as joining United Nations Convention Against Corruption, hereinafter referred to as UNCAC, which is the only global legal instrument aimed at combating corruption and is legally binding. This convention emphasizes the importance of the role of community organizations in overseeing the asset recovery process so that citizens remain informed and the government can be

more accountable. This commitment was further strengthened by the ratification of the UNCAC convention through Law Number 7 of 2006 concerning the Ratification of the United Nations Convention Against Corruption 2003, hereinafter referred to as the UNCAC Law. After ratifying this Convention, Indonesia is obliged to effectively eradicate corruption through the implementation of the national legal system and the utilization of relevant international legal instruments. The UNCAC is there to help member countries harmonize the contents of the convention with national written laws in achieving the three objectives set out in Article 1 of the UNCAC, namely, first, to promote the strengthening of strategies to prevent and eradicate corruption with greater effectiveness and efficiency. Second, to encourage, support, and facilitate various forms of international cooperation in efforts to prevent and combat corruption, which also includes the aspect of asset recovery; and third, to foster integrity, accountability, and good governance in the management of public affairs and state assets (United Nations Convention Against Corruption, 2004).

In terms of enforcement and as part of the eradication of corruption, UNCAC contains measures categorized as corruption in Chapter 3 of UNCAC on criminalization and law enforcement, one of which is related to illicit enrichment as stated in Article 20 of UNCAC which explains *Illicit enrichment*, where the UNCAC recommends adopting illicit enrichment with the understanding that it is a criminal act, committed intentionally, namely prohibited enrichment, which is a significant increase in the assets of public officials that cannot be reasonably explained in relation to their legitimate income (United Nations Convention Against Corruption, 2004). Unfortunately, however, the ratification of the UNCAC Law in Indonesia does not yet include the instrument of illicit enrichment. The criminalization of illicit enrichment will be a new breakthrough in strengthening anti-corruption legal instruments in Indonesia, especially considering the increasing prevalence of corruption, in this case the disproportion between the wealth and income of a public official, which is still rampant in Indonesia and fails to be detected early on, as exemplified by Rafael Alun Trisambodo, a former official who had a career in the Ministry of Finance, whose wealth was revealed to be disproportionate in his State Officials Wealth Report (LHKPN). This began with a case of violence committed by his son, Mario Dandy Satrio, which prompted the public to immediately scrutinize Rafael's wealth through his LHKPN report. Based on the findings and verification in the LHKPN, Rafael was reported to have assets totaling approximately Rp56 billion. Shortly thereafter, the Financial Transaction Reports and Analysis Center (PPATK) stated that their findings supported the suspicions circulating in the public (Hedi, 2023). Of course, as a civil servant, possessing an unreasonable amount of wealth raises questions, and this case should serve as a warning to us that legal instruments are needed to indicate suspected corruption from the outset, namely through the presence of illicit enrichment.

In this case, emphasis is placed on careful checking of LHKPN, not merely as a formality by the Corruption Eradication Commission (KPK) to set boundaries from the outset, given that to date there are no sanctions or strict legal instruments. The existence of LHKPN is merely administrative in nature, as can be seen from the Corruption Eradication Commission's report that there are still 13,710 public officials who have not reported their LHKPN, and to date, LHKPN is still merely an administrative measure without further verification and supervision (Wahyuni, 2025). Seeing the massive number of corruption cases in Indonesia, we should reflect on Australia's success in combating corruption. Australia is consistent in maintaining and improving its Corruption Perception Index (CPI) conducted by Transparency International. In the 2024 report, Australia is firmly in 10th place with a score of 77, up from the previous year when it only scored 75 and was in 14th place. Australia is one of the countries that has taken active strategic steps in combating corruption. Australia is not only a member of UNCAC but also applies the various legal instruments initiated by UNCAC, one of which is illicit enrichment. Australia is among 44 countries that have regulations at the level of law regarding illicit enrichment. Australia's concept of illicit enrichment is known as Unexplained Wealth. In this regulation, Australia focuses on wealth whose origin cannot be explained, which will then be confiscated based on a court decision without criminal prosecution. Therefore, the author is interested in raising this concept as a subject of research to see how the regulation and application of the concept of Illicit enrichment compare between Australia and Indonesia and how the concept of illicit enrichment would be applied if it were present in Indonesia. It is hoped that the presence of illicit enrichment can be an effective step in reducing the rate of corruption in Indonesia and detecting opportunities for corruption as early as possible (Palma et al., 2014). In the process, the author compares the results with previous works by Rahmahwati Silvia, Riani, and Joko Jumad (2023). In its review, this paper shows that Peru has already adopted this concept into their Criminal Code (KUHP), so it can be an important reference for Indonesia if it wants to include similar provisions in its legal system. Meanwhile, the author's research takes a different perspective by choosing Australia as a comparison. Australia is considered relevant because of its success in reducing corruption rates to rank among the top 10 countries with the best CPI, partly

through the application of the concept of illicit enrichment. Thus, the comparison with Australia is expected to provide a practical picture of how Indonesia can develop a more comprehensive legal framework in adopting this concept. Furthermore, research by Diky Anandya, Kharystya Putra, and Vidya Prahassacitta (2022) raises a similar issue by examining the concept of unexplained wealth in Australia. They emphasize that this instrument has characteristics similar to illicit enrichment as recommended by UNCAC. However, this research is still limited to an abstract conceptual level without presenting an applicable legal framework. In contrast, the author's research attempts to go further by formulating a potential legal framework if the concept of illicit enrichment is actually implemented in Indonesia.

## RESEARCH METHOD

The method used is normative juridical, which consists of research on legal norms and principles, as well as the development and comparison of existing regulations. In this approach, law is often understood as provisions written in applicable regulations (law in book), as well as a set of rules that serve as the main guidelines in regulating human behavior. The research approach used is firstly the Statute Approach by examining the relevant rules. Some of the main legal rules used by the author in this study are Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning Eradication of Corruption Crimes, hereinafter referred to as the Anti-Corruption Law (Muhaimin, 2020). Second, the Conceptual Approach, by exploring the interpretation, the author can find new knowledge and ideas in constructing legal arguments to answer the legal issues being studied (Muhaimin, 2020). Third, the Comparative Approach, which is an approach that looks at the legal system and the concept of applying a legal norm in one country and then compares it with another country, namely Australia. The legal materials used are primary legal materials, namely regulations relevant to the issues being studied. In addition, secondary legal materials consist of textbooks discussing various legal issues, scientific journals, works from legal circles, and research results. Tertiary legal materials are used as supplements, namely through the Internet. In the data collection process, the method used is library research, which involves examining legal sources, namely conducting in-depth research on legal materials through library research to strengthen arguments (Benuf & Azhar, 2020). The data analysis technique applied is descriptive analysis, which systematically describes and evaluates each legal source obtained in order to formulate answers to the legal issues raised. This approach uses qualitative descriptive data analysis with collecting, organizing, and presenting information from various sources, then conducting analysis to draw conclusions based on the data obtained.

## RESULTS AND DISCUSSION

### Comparison of the regulation and application of the concept of Illicit enrichment in Australia and Indonesia

Australia is one of the countries that has a concept related to Illicit enrichment as part of Australia's strategic commitment to suppressing various forms of illegal income, including from corruption. This seriousness is reflected in the Corruption Perceptions Index conducted by Transparency International, in which Australia ranked 10th with a score of 77 in 2024. Australia has taken steps to comply with the UNCAC mandate by recognizing Illicit enrichment as Unexplained Wealth, which essentially has a similar meaning. Unexplained Wealth, in Australia, is known as a disproportionate increase in wealth with an unexplained source of income.

There are five main parameters applied by Australia as measures of success in implementing UNCAC recommendations related to criminalization and law enforcement. First, strengthening regulations on international bribery. Second, improving rules for the prevention of money laundering. Third, affirming individual accountability in the prosecution of corruption cases. Fourth, creating further regulations on unexplained wealth, which are placed within the framework of asset forfeiture without criminal charges. Fifth, imposing severe penalties on public officials proven to be involved in corruption. Through this commitment, Australia has succeeded in achieving significant results by consistently improving its corruption perception index.

Australia has made a major commitment and taken significant steps to combat corruption and bribery and strengthen law enforcement, one of which is through Unexplained Wealth, which essentially imposes a responsibility on individuals to prove that their seemingly excessive wealth has been obtained legally. At an Australian parliamentary hearing held by the Senate Legal and Constitutional Affairs Committee (SLCAC), Roderic Broadhurst, a criminology expert from the Australian National University, argued that unexplained wealth rules can be an effective tool in investigating and prosecuting cases of corruption and bribery that are difficult to uncover, and are closely linked to serious

crimes (Kharystya Putra & Prahassacitta, 2021). Unexplained wealth in Australia is not entirely new following the UNCAC recommendations. Australia, which consists of states, then made amendments related to confiscation provisions, whereby in 2010, the Australian parliament passed amendments across all states and jurisdictions to further regulate unexplained wealth. The explanation of the revision in the Memorandum states that the strengthening of the law is based on Article 20 of the UNCAC, which regulates illicit enrichment (Kharystya Putra & Prahassacitta, 2021). This proves that even though Australia and Indonesia have different legal systems, Australia's ratification of the UNCAC recommendations related to illicit enrichment makes a comparison between the two countries relevant.

Regulations related to unexplained wealth in Australia can be found in The Criminal Property Confiscation Act 2000 (The CPC Act) s 144 (1) state, which explains that unexplained wealth is when a person has wealth that cannot be explained if the value of the wealth is greater than the value of the wealth obtained legally. Australia applies unexplained wealth regulations to everyone, not just public officials, and these provisions help to investigate various crimes such as corruption, money laundering, theft, fraud, bribery, collusion, and tax evasion, with the process focusing on the following characteristics: first, the accumulation of assets that are disproportionate to one's legal income. Second, routine expenditures for the purchase of luxury goods or services without any legitimate means to support such purchases. Third, the regular execution of large cash transactions, including deposits or withdrawals from bank accounts, and finally, the storage of large amounts of cash in one's residence.

Quoted from the Corruption and Crime Commission of Western Australia, the Corruption Eradication Commission and Crime Australia, the commission seeks to identify and target individuals who have accumulated unexplained wealth through illegal means. Unexplained wealth in Australia will be processed based on reports submitted, and anyone can report suspected unexplained wealth to the CCC (Corruption and Crime Commission). In practice, if it is discovered or reported that an individual individual possesses wealth that is inconsistent with their income, law enforcement authorities have the authority to file a petition to the court if there are indications of unexplained wealth. Broadly speaking, Australia recognizes two types of petitions in its implementation, namely unexplained wealth restraining orders, which are seizure orders aimed at restricting a person from transferring or disposing of assets that are the subject of the petition, and unexplained wealth orders, which are final court decisions that require a person to pay a certain amount, calculated as the difference between the total wealth owned and the assets that can be proven to have been obtained legally (Kharystya Putra & Prahassacitta, 2021).

Steps taken in the unexplained wealth case process, apart from reporting suspected unexplained wealth to the CCC (Corruption and Crime Commission), can also be taken in the following steps: first, requesting information from financial institutions, where the Director of Public Prosecutions (DPP) or the police can ask financial institutions to provide data on transactions and assets belonging to a person. Second, a request for examination by the court, whereby the DPP has the authority to submit a request to the court to obtain an examination order against a suspected individual, including the obligation for that individual to submit certain information or documents to the court. Third, a request for the submission of documents, whereby the DPP can ask the court to issue an order for the relevant party to submit documents related to certain assets or property. Fourth, monitoring and suspension of accounts, the DPP may submit a request for the court to order financial institutions to monitor or freeze an individual's accounts, then submit the monitoring results to the DPP or the police. Finally, detention by the police. The police may detain a person if there is a reasonable suspicion that the person is in possession of property that can be seized, or has documents that can be used to identify or assess wealth whose origin cannot be explained (Tomison, 2010).

In October 2020, the Corruption and Crime Commission (CCC) of Western Australia marked a significant milestone in the enforcement of asset forfeiture laws by successfully concluding its first unexplained wealth case. The Supreme Court of Western Australia granted the CCC's application to issue an unexplained wealth declaration against worth nearly $630,000, including the seizure of cash and related assets. Shortly thereafter, another high-profile case came to light. Paul Whyte, a former senior executive in the state government, was the subject of 530 corruption charges and one property laundering charge. Paul Whyte allegedly abused his position to obtain personal gain and gain for others totaling more than $22 million. Although the criminal proceedings against Whyte are still ongoing and no criminal court verdict has been reached, the Supreme Court has determined that the value of the criminal profits directly obtained amounts to more than $11 million. The CCC moved quickly to secure Whyte's assets through a freeze order and seizure. These assets include two luxury properties in the Mosman Park area with an estimated combined value of $4.26 million, holdings in a government pension fund worth $1.4 million, inheritance rights to his father's estate including property in Scarborough, and profits from racehorse ownership. This case marks a significant advancement in

*unexplained wealth-based* law enforcement in Western Australia. This approach not only allows for the seizure of assets before a verdict is handed down, but also demonstrates how the state can effectively tackle white-collar crime by targeting the economic roots of the crime itself.

While Indonesia currently has no concept or regulations related to illicit enrichment, even though it has ratified the provisions of the UNCAC through the UNCAC Law in Indonesia, it does not yet regulate illicit enrichment. Therefore, to date, if there are public officials who live a luxurious lifestyle and have unreasonable wealth, there are no legal steps to investigate using the concept of follow the money (Miantoro, 2020). One of the gateways to a similar concept in Indonesia is currently only through corruption prevention measures involving asset checks, namely the LHKPN (State Officials' Wealth Report) as stipulated in Article 1 of the Indonesian Corruption Eradication Commission Regulation Number 3 of 2024 regarding Second Amendment to the Corruption Eradication Commission Regulation Number 07 of 2016 concerning Procedures for Registration, Announcement, and Examination of State Officials' Assets, hereinafter referred to as KPK Regulation No. 3 of 2024. The report is submitted in the form of a document, including an electronic document, containing a description and details of all forms of information regarding the assets of state officials. This report must be submitted periodically once a year, although there are no legal measures if the LHKPN is not reported, and there is no further verification and investigation of the LHKPN of each state official, and it is only administrative in nature. A notable difference between the two countries is the definition of public officials, where in Australia the definition of public officials is not limited to those currently in office, but also includes former officials, political party officials, and family members and close relatives of public officials, while in Indonesia public officials only include public officials themselves with a specific time frame for reporting LHKPN.

**Application Of the Concept of Illicit enrichment in Indonesia**

Indonesia, as a country based on the rule of law, is encouraged to comply with law enforcement based on the goal of achieving prosperity for all Indonesian people (Agustanti et al., 2023). Indonesia is currently focusing on eradicating corruption, although satisfactory results have yet to be achieved. In the Anti-Corruption Law, corruption offenses are outlined in Articles 2 and 3, which essentially relate to any individual who commits an unlawful act to enrich themselves, others, or an entity by abusing their power or position, thereby causing losses to the state or potentially creating losses to the state's finances and economy, and is punishable by law. However, with the development of corruption models, focusing only on these offenses is not enough, new measures are needed to anticipate corruption.

Reflecting on Rafael Alun, a former official who served as head of the general affairs division at the Ministry of Finance, whose wealth was found to be inconsistent with his LHKPN report, this case began with an act of violence committed by his son, Mario Dandy Satrio, prompting the public to immediately scrutinize Rafael's wealth through his LHKPN report. Looking at the development of this case, it can be seen that LHKPN is an important instrument to encourage anti-corruption and ensure transparent state administration, as this report will contain all the assets of state administrators, both those owned before, during, and after their term of office. In the current process, the LHKPN is only an administrative matter without further utilization, where if there is a delay in reporting or failure to report the LHKPN, the type of sanction imposed is recommendatory to the heads of ministries or institutions, local governments, state-owned enterprises, regional-owned enterprises, or subsidiaries of state-owned enterprises and regional-owned enterprises where the state officials work, to impose sanctions on these state officials, as stipulated in Article 21 of KPK Regulation No. 3 of 2024. The KPK's LHKPN will be an important part of the implementation of illicit enrichment, so the optimization of the KPK must continue to be encouraged. The KPK's success in reducing corruption will demonstrate that anti-corruption institutions can be effective even in a poor government system and high corruption cases (Suyatmiko, 2021).

Illicit enrichment can be a good measure to anticipate indications of corruption as quickly as possible by using LHKPN through the KPK in conducting further verification based on Article 7 of the KPK Law, which states that in carrying out its preventive functions in accordance with Article 6 letter a, the KPK has the authority to register and examine reports on the assets of state officials. The illicit enrichment approach with the concept of follow the money through LHKPN will be in accordance with the definition of illicit enrichment according to UNCAC, which focuses on criminal acts committed intentionally, prohibited enrichment, and a significant increase in the assets of public officials that cannot be reasonably explained in relation to legitimate income, which is the object of illicit enrichment. In terms of the object of illicit enrichment in the UNCAC, AUCPCC, and IACAC, there is a common definition, namely a significant increase in assets that is unreasonable in relation to legitimate income, both from primary income and other legitimate income obtained from time to time (Herlambang et al., 2022). Meanwhile, regarding sanctions for illicit enrichment, there are no rigid rules stipulated in international

conventions, including UNCAC, so there are differences in the application of legal sanctions for illicit enrichment in each country, such as Australia, which takes an approach of asset forfeiture without criminal prosecution. Of the 44 countries that have regulated the concept of illicit enrichment, 39 countries, including China, India, Malaysia, Brunei, Macau, Bangladesh, and Egypt, have imposed criminal sanctions of imprisonment with varying durations, ranging from 14 days to 20 years. In addition, 26 of the 39 countries also impose fines ranging from 50-100% to twice the amount of illicit enrichment, with a range of USD 500,000 to USD 1,000,000. In its implementation in Indonesia, consideration could be given to combining imprisonment with the confiscation of assets representing the difference in wealth that cannot be proven (Palma et al., 2014).

In practice, UNCAC defines illicit enrichment as a criminal act committed intentionally, prohibited enrichment, a significant increase in the assets of public officials that cannot be reasonably explained in relation to legitimate income. However, the subject of illicit enrichment is actually broader and is adjusted to the adoption of each country. The main difference can be seen in the subjects regulated, where UNCAC and AUCPCC limit the subjects to government officials or public officials, while IACAC expands the scope to include every individual, thereby broadening the scope of the offense. In Indonesia, significant increases in the assets of public officials can be monitored through the LHKPN, which must be reported periodically.

In Indonesia itself, according to Article 1 of Government Regulation Number 61 of 2010 concerning the Implementation of Law Number 14 of 2008 concerning Public Information Disclosure, individuals who are appointed and given the authority to carry out certain functions or positions in a Public Agency are categorized as officials who have special responsibilities. Meanwhile, based on Law No. 28 of 1999 concerning Clean and Corruption, Collusion, and Nepotism-Free State Administrators, State Administrators are defined as officials who carry out executive, legislative, and judicial functions, including other officials who have primary roles and obligations related to government administration as stipulated in laws and regulations. Based on the above description, the subject of illicit enrichment, if is applied in Indonesia, can be adjusted to the category of state administrators who are required to report LHKPN based on Article 4A of KPK Regulation Number 3 of 2024, considering that one of the ways to commit illicit enrichment is through LHKPN. Those included in this subject are state officials in the highest and high state institutions, ministers, governors, judges, and other officials as regulated in laws and regulations, along with officials who hold strategic functions related to the running of the state in accordance with the law. In terms of the application of the subject in Indonesia, it can be based on the applicable regulations to report LHKPN and be further verified to enforce the concept of illicit enrichment. However, the expansion of the application of illicit enrichment subjects can be carried out periodically in the future if illicit enrichment has been applied to state administrators in Indonesia, after adjustments and developments in the legal mechanisms and systems in Indonesia with legal instruments that are increasingly ready and developed in illicit enrichment, it is not impossible that the expansion of illicit enrichment subjects can be expanded with adjusted mechanisms in the future.

In order to implement illicit enrichment, a clear legal framework is required, given that Indonesia is a country governed by *civil law*, which requires written regulations to criminalize an offense. Although Indonesia has ratified the UNCAC into the UNCAC Law, it does not yet include provisions on illicit enrichment. According to Gandjar Laksmana Bonaprapta, a legal practitioner and academic in Indonesia, the concept of illicit enrichment encompasses five main elements (Kharystya Putra & Prahassacitta, 2021). First Person of Interest, is the subject who will be involved in an *illicit enrichment* case, in this case an individual who has the status of a public official, state administrator, or civil servant. Second, Period of Interest, the period or term of office of a person holding a public position is considered an important point that can be used as a basis for assessing allegations of illicit enrichment. Third, Significant Increase in Assets, acts that fall under the category of illicit enrichment are those involving a significant increase in wealth, either for oneself, a company controlled by oneself or one's family, or for blood relatives and in-laws up to the third degree. Fourth, Intent, the increase in wealth did not occur by chance, but was the result of from deliberate actions. Fifth, Absence of Justification, the subject is unable to provide a reasonable explanation or justification for the connection between their legitimate income (whether from salary or other legal sources) and the disproportionate increase in their wealth during their term of office.

Assessing the main elements of illicit enrichment, its implementation in Indonesia remains focused on LHKPN as the gateway to assess changes in the wealth of every state official, which is then verified to assess allegations of illicit enrichment. Doctrinally, criminal acts are divided into two main categories, namely formal and material (Harefa & Bakhtiar, 2025). Meanwhile, in formulating the offense *of* illicit enrichment, a formal offense can be used, considering that it would be difficult to apply a material offense that must be linked to the consequences of the offense, whereas illicit enrichment focuses more

on prevention efforts to see the possibility or indication of corruption. Therefore, a formal offense that does not focus on the consequences of the offense is far more suitable (Sari, 2022). Meanwhile, in terms of criminal intent (*mens rea),* UNCAC emphasizes with the term "*when committed intentionally"* that the crime of illicit enrichment can only be imposed if committed intentionally (*dolus)*, without covering negligence. Thus, the regulation of the crime of illicit enrichment in the realm of anti-corruption law is important as an effort to strengthen the effectiveness of existing legal instruments in Indonesia, which must include the following main elements: first, the existence of unlawful enrichment or a significant increase in assets; second, the legal subject is a state official; third, there is an element of intent, and fourth, these elements can be used as preliminary evidence to indicate the existence of a criminal act of corruption. Therefore, the appropriate formulation can be found in paragraph (1), which states that any state official who possesses wealth in the form of money, property, or other forms that can be valued in monetary terms that are not commensurate with the income reported to the state is committing a criminal offense. Paragraph (2) may read as follows: every state official as referred to in paragraph (1) is obliged to prove that their property originates from income that has been reported to the state. Paragraph (3) may read as follows: the acts referred to in paragraphs (1) and (2) constitute a criminal offense punishable by a minimum of 1 (one) year and a maximum of 5 years imprisonment. Paragraph (4) may read that in addition to the threat of punishment, every state official who cannot prove that their assets do not originate from legitimate income may be subject to fines and confiscation of such unreasonable assets (Palma et al., 2014).

Further clarification is needed considering that illicit enrichment uses the concept of reverse burden of proof, whereby State Officials suspected of illicit enrichment can prove that their wealth is commensurate with their earnings and does not violate any laws. Whereas, according to the Criminal Procedure Code (KUHAP), as emphasized in Article 66, suspects or defendants in criminal proceedings are not burdened with the obligation to prove their guilt (Sari, 2022). The principle of reverse burden of proof is not new in Indonesia, where it is reaffirmed in Article 37 of the Corruption Eradication Law (Tipikor Law), which provides space for defendants to prove their innocence of corruption charges. Article 37A accommodates the concept of proof that is consistent with illicit enrichment when applied, namely that the defendant is required to provide information about all of their assets in order to prove that those assets were obtained legally. In addition, Article 37 paragraph 2 emphasizes that if the defendant successfully proves his innocence, the court must use this evidence as a basis for declaring that the charges are unproven. Given that the concept of reversal of the burden of proof only exists in certain laws, procedural law must be regulated in detail to accommodate similar concepts (Sari, 2022). This will strengthen the application of provisions on illicit enrichment, which does not conflict with the principle of presumption of innocence in accordance with the view of one of the decisions of the House of Lords in the case of R. v Lambert All ER 577, which states that the reversal of the burden of proof does not conflict with the principle of presumption of guilt as long as its application is in accordance with the principles of fairness and proportionality. In view of the above description, including offenses related to illicit enrichment in the revision of the Anti-Corruption Law would be an appropriate step, given that the Anti-Corruption Law serves as the legal umbrella for regulating various offenses and explanations related to corruption (Al-Hamid, 2022). Considering that in Article 20 of the UNCAC, we see the phrase "*each party shall consider adopting,"* this means that if we want to include the concept of illicit enrichment, it must be included in regulations at the level of law (Mahmud et al., 2023). Therefore, incorporating the concept of illicit enrichment would be in line with the formulation of the UNCAC. The presence of regulations or the concept of illicit enrichment could be a major effort and step forward in a new approach to tackling corruption, and these regulations and concepts would be much stronger if they were included in a special chapter in the Anti-Corruption Law that specifically regulates the offense *of Illicit enrichment* as a legal basis in Indonesia.

## CONCLUSION

Indonesia's commitment to combating corruption is evident in its ratification of the UNCAC convention. However, in the ratification, Indonesia did not include the concept of illicit enrichment as regulated in Article 20 of the UNCAC, which is defined as a criminal act involving the intentional illegal enrichment or significant increase in assets by public officials that cannot be logically explained based on their income. Indonesia can learn from Australia's success in achieving positive results in reducing the possibility of corruption, one of which is through the concept *of* Illicit enrichment, known as *Unexplained Wealth.* Of course, adjustments are needed in its implementation. In Australia, public officials are defined as not only those who are currently in office, but also includes former officials, political party officials, and close relatives of public officials. Meanwhile, in Indonesia, adjustments are needed when implementing this concept. Indonesia can rely on LHKPN reporting as a means of

observing changes and increases in the wealth of state officials, LHKPN can serve as an early detector of illicit enrichment, where the subjects are in accordance with the categories of state officials who report LHKPN as stipulated in Article 4A of KPK Regulation Number 3 of 2024. In the context of the legal framework for offenses related to illicit enrichment, it can be included in the revision of the Anti-Corruption Law, which has become a vehicle for regulating various offenses and explanations related to criminal acts of corruption.

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**REFERENCES**

Agustanti, R. D., Waluyo, B., & Kurniawan, A. P. (2023). Return of State Financial Losses Resulting From Corruption and Money Laundering Crimes. *Jurnal Hukum Prasada*, *10*(2), 93–101. https://doi.org/10.22225/jhp.10.2.2023.93-101

Ajie, R. (2015). *Kriminalisasi Perbuatan Pengayaan Diri Pejabat Publik Secara tidak Wajar ( Illicit Enrichment ) dalam Konvensi PBB Anti Korupsi 2003 ( UNCAC ) dan Implementasinya di Indonesia*. *2003*(7), 1–23.

Al-Hamid, M. S. (2022). Illicit Enrichment Dalam Upaya Pemberantasan Korupsi Di Indonesia. *Al-Mizan*, *18*(2), 243–268. https://doi.org/https://doi.org/10.30603/am.v18i2.2900

Al Faridzi, M., & Nachrawi, G. (2022). Kualifikasi Kejahatan Luar Biasa Terhadap Tindak Pidana Korupsi (Putusan Mahkamah Agung Nomor 301 K/Pid.Sus/2021). *Jurnal Kewarganegaraan*, *6*(2), 3014–3019. https://doi.org/https://doi.org/10.31316/jk.v6i2.3244

Benuf, K., & Azhar, M. (2020). Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer. *Jurnal Gema Keadilan*, *7*(1), 20–33. https://doi.org/https://doi.org/10.14710/gk.2020.7504

Harefa, B., & Bakhtiar, H. S. (2025). *Tindak Pidana* (Yayat Sri Hayati (ed.)). Rajawali Pers.

Hartanti, E. (2023). *Tindak Pidana Korupsi* (Edisi II). Sinar Grafika. https://www.google.co.id/books/edition/Tindak_Pidana_Korupsi/M9SqEAAAQBAJ?hl=id&gbpv=1

Hedi. (2023). *LHKPN Rafael Alun 'Hanya' Rp 56 Miliar, Hartanya Ternyata hingga Rp 150 Miliar*. Kumparan. https://kumparan.com/kumparannews/lhkpn-rafael-alun-hanya-rp-56-miliar-hartanya-ternyata-hingga-rp-150-miliar-20eQZtNGn6l/full

Herlambang, Junius Fernando, Z., & Rahmasari, H. (2022). Kejahatan Memperkaya Diri Sendiri Secara Melawan Hukum (Illicit Enrichment) Dan Aparatur Sipil Negara: Sebuah Kajian Kritis (The Crime Of Increase Personal Wealth Against The Law (Illicit Enrichment) And The State Civil Services: A Critical Study). *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, *11*(2), 247–264. https://doi.org/https://doi.org/10.33756/eslaj.v5i3.24169

Kenneth, N. (2024). Maraknya Kasus Korupsi di Indonesia Tahun ke Tahun. *JLEB: Journal of Law Education and Business Mar*, *2*(1). https://doi.org/https://doi.org/10.57235/jleb.v2i1.1645

Kharystya Putra, D. A., & Prahassacitta, V. (2021). Tinjauan Atas Kriminalisasi Illicit Enrichment Dalam Tindak Pidana Korupsi Di Indonesia: Studi Perbandingan Dengan Australia. *Indonesia Criminal Law Review*, *1*(1). https://scholarhub.ui.ac.id/iclrAvailableat:https://scholarhub.ui.ac.id/iclr/vol1/iss1/4

Laili, A., & Fadhila, A. R. (2021). TEORI HUKUM PROGRESIF (Prof. Dr. Satjipto Rahardjo, S.H.). *SINDA: Comprehensive Journal of Islamic Social Studies*, *1*(1), 122–132. https://doi.org/10.28926/sinda.v1i1.966

Mahmud, J. W., Puluhulawa, M. R., & Mustika, W. (2023). Illicit Enrichment Conception in Positive Law in Indonesia. *Estudiante Law Journal*, *5*(3), 773–785. https://doi.org/https://doi.org/10.33756/eslaj.v5i3.24169

Miantoro, B. (2020). Pengaturan Illicit Enrichment Di Indonesia. *Veritas et Justitia*, *6*(1), 150–171. https://doi.org/10.25123/vej.3884

Muhaimin. (2020). *Metode Penelitian Hukum* (Cetakan I). Mataram University Press.

Palma, A. K., Abid, L., Martini, S., Alim, H., & Diansyah, F. (2014). *Implementasi Dan Pengaturan Illicit*

*Enrichment (Peningkatan Kekayaan Secara Tidak Sah) Di Indonesia*.

Rachmawati, A. F. (2022). Dampak Korupsi dalam Perkembangan Ekonomi dan Penegakan Hukum di Indonesia. *Eksaminasi: Jurnal Hukum*, *1*(1), 12–19. https://doi.org/https://doi.org/10.37729/eksaminasi.v1i1.1185

Riani, R. S., & Jumadi, J. (2023). Pengaturan illicit enrichment di Indonesia: studi perbandingan negara Peru. *Ex Aequo Et Bono Journal of Law EAEBJOL*, *1*(1). https://doi.org/https://doi.org/10.61511/eaebjol.v1i1.2023.81

Sari, I. M. (2022). *Implementasi Konsep Illicit Enrichment Dalam Pembangunan Hukum Indonesia* [UNIVERSITAS ISLAM NEGERI WALISONGO SEMARANG]. https://eprints.walisongo.ac.id/id/eprint/19402/1/Ike Maya Sari_1902056088_Lengkap Tugas Akhir - Ike Maya Sari.pdf

Suyatmiko, W. H. (2021). Memaknai Turunnya Skor Indeks Persepsi Korupsi Indonesia Tahun 2020. *Integritas : Jurnal Antikorupsi*, *7*(1), 161–178. https://doi.org/10.32697/integritas.v7i1.717

Tomison, A. (2010). *Unexplained Wealth Laws in Australia*. *395*, 2.

United Nations Convention Against Corruption. (2004). *United Nations Convention Against Corruption*.

Wahyuni, W. (2025). *13.710 Pejabat Belum Setor LHKPN 2024, Siap-Siap Terancam Sanksi Ini!* Hukum Online. https://www.hukumonline.com/berita/a/13710-pejabat-belum-setor-lhkpn-2024--siap-siap-terancam-sanksi-ini-lt67fe2c3593e87/

Yurizal. (2017). *Tindak Pidana Korupsi di Indonesia* (Cetakan I). Media Nusa Creatif. https://www.google.co.id/books/edition/Tindak_Pidana_Korupsi_Di_Indonesia/en5JEAAAQBAJ?hl=id&gbpv=0